

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RELIASTAR LIFE INSURANCE
COMPANY,

PLAINTIFF,

VS.

ROBERT W. CAVINESS, DALLAS C.
CAVINESS, and RHONDA CAVINESS
PIERCE (in her capacity as guardian for
DEVIN L. CAVINESS, a minor),

DEFENDANTS.

CASE NUMBER:

2.07-CV-1084

REPORT OF PARTIES' PLANNING MEETING¹

1. **The Parties.** Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26.1, a planning meeting was held on January 31, 2008, via teleconference, and was attended by Terrie Biggs on behalf of Robert W. Caviness, and Patrick Montgomery on behalf of Rhonda Caviness Pierce and Dallas C. Caviness.

2. **Pre-discovery Disclosures.** The parties have exchanged or will exchange initial disclosures by February 18, 2008.

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

a. Discovery will be needed on the following subjects:

The proper beneficiary(ies) under ReliaStar Life Insurance Company's Policy.

¹ Subject to an agreement, the parties have agreed to stipulate to ReliaStar's dismissal as a party, however, remain subject to discovery in this action as a party. Thus, ReliaStar was not present at the party planning meeting and is not included in this report.

- b. All discovery shall be commenced in time to be completed by June 18, 2008.
- c. The parties may each file a maximum of 25 interrogatories to any other party. Responses will be due 45 days after service.
- d. The parties may each file a maximum of 25 requests for admissions to any other party. Responses will be due 45 days after service.
- e. The parties may each file a maximum of 25 requests for production of documents to any other party. Responses will be due 45 days after service.
- f. There will be a maximum of 5 depositions taken by Robert W. Caviness and a maximum of 5 depositions taken by Rhonda Pierce and Dallas Caviness.
- g. The parties do not expect any expert witnesses to be called in the action. However, to the extent experts are utilized, reports from retained experts under Rule 26(a)(2) are due by May 18, 2008.
- h. Supplementation under Rule 26(e) 20 days after the close of discovery (date or intervals).

4. **Other Items.** The parties do not request a conference with the Court before entry of any Scheduling Order.

- a. The parties shall be allowed until April 18, 2008 to amend pleadings and to add defenses.
- b. All dispositive motions should be filed by July 18, 2008.

- c. There is a slight chance settlement will occur. However, as there are limited funds and each side claims they are entitled to the entire proceeds, it is likely this case will be disposed of on cross-motions for summary judgment.
- d. The parties request a final pretrial conference in August 2008.
- e. Final lists of trial evidence under Rule 26(a)(3) should be due:

From the Parties: Witness List – 14 days prior to trial.

 Exhibit List – 14 days prior to trial.
- f. The parties shall have 10 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).
- g. The case should be ready for trial by September 2008 and at this time is expected to take approximately 1 day.

DATE: January 30, 2008.

/s/ John W. Dodson
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Patrick G. Montgomery
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Caviness Pierce

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